

Preliminary Plat 06002

(Appeal of Planning Commission Action)

RESOLUTION NO. A-_____

1 WHEREAS, Dennis Schworer has submitted the preliminary plat of Schworer
2 Addition for acceptance and approval together with a request to waive Land Subdivision
3 Ordinance and Design Standards for Land Subdivision Regulation requirements in order to
4 allow a two year time frame for improvements; waive the sureties until Lot 2, Block 1 and Lots 1
5 and 2, Block 2, are platted; and waive the on-site storm water detention, on property generally
6 located at North 33rd and Superior Streets.; and

7 WHEREAS, the Lincoln City-Lancaster County Planning Commission held a
8 public hearing on March 15, 2006 and adopted Resolution No. PC-00985 which conditionally
9 approved Preliminary Plat No. 06002; and

10 WHEREAS, Bob and Vicki Rokeby and Larry Schmiding, as aggrieved persons,
11 have appealed the action of the Lincoln City-Lancaster County Planning Commission; and

12 WHEREAS, the community as a whole, the surrounding neighborhood and the
13 real property adjacent to the area included in the preliminary plat will not be adversely affected
14 by granting such preliminary plat.

15 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
16 Lincoln, Nebraska that the preliminary plat of Schworer Addition, generally located at North 33rd
17 and Superior Streets as submitted by Dennis Schworer is hereby accepted and approved,
18 subject to the following terms and conditions:

19 1. After the subdivider completes the following instructions and submits the
20 documents and plans and 6 copies to the Planning Department office, the preliminary plat will

1 be signed by the Chair of the Planning Commission certifying approval: (NOTE: These
2 documents and plans are required by ordinance or design standards.)

- 3 a. Rename Schworer Auto Drive with a new name acceptable to the
4 Planning Department.
- 5 b. Revise the boundary of the plat to include the entire lot.
- 6 c. Provide additional easements as requested by LES.
- 7 d. Show the extension of the east/west street and North 35th Street for 300'
8 beyond the eastern boundary of this plat.
- 9 e. Make revisions and submit documentation as requested in the Review
10 Comments for Application #PP06002 from the Public Works and Utilities,
11 and Health Departments which are attached to the Lincoln City/Lancaster
12 County Planning Staff Report prepared by Greg Czaplewski dated March
13 2, 2006.

14 2. The waivers to subdivision regulations requiring that street improvements be
15 completed or guaranteed by surety prior to a final plat and installed within a specified time after
16 approval of a final plat are hereby approved, provided:

- 17 a. The street right-of-way shall be dedicated, as required by the subdivision
18 ordinance, with each final plat.
- 19 b. It is expected Lot 1, Block 1 will be final platted first, with the remainder of
20 the property platted as an outlot. If so, improvements in the east/west
21 street must be installed to a point east of the frontage road, which is
22 satisfactory to Public Works, in order to provide access to the lot. The
23 remainder of the street shall be improved prior to approval of a
24 subsequent final plat.

25 3. Final Plats will be approved by the Planning Director after:

- 26 a. The sidewalks, streets, utilities, drainage facilities, street lighting, street
27 trees, and street name signs have been completed or the subdivider has
28 submitted a bond or an escrow of security agreement to guarantee their
29 completion.
- 30 b. The subdivider has signed an agreement that binds the subdivider, its
31 successors and assigns:
 - 32 (1) to complete the public street paving of streets shown on the final
33 plat within two (2) years following the approval of the final plat.

- 1 (2) to complete the installation of sidewalks along both sides of public
2 streets as shown on the final plat within four (4) years following
3 the approval of the final plat.
- 4 (3) to complete the public water distribution system to serve this plat
5 within two (2) years following the approval of the final plat.
- 6 (4) to complete the public wastewater collection system to serve this
7 plat within two (2) years following the approval of the final plat.
- 8 (5) to complete the enclosed public drainage facilities shown on the
9 approved drainage study to serve this plat within two (2) years
10 following the approval of the final plat.
- 11 (6) to complete land preparation including storm water
12 detention/retention facilities and open drainageway improvements
13 to serve this plat prior to the installation of utilities and
14 improvements but not more than two (2) years following the
15 approval of the final plat.
- 16 (7) to complete the installation of public street lights along public
17 streets within this plat within two (2) years following the approval
18 of the final plat.
- 19 (8) to complete the planting of the street trees along public streets
20 within this plat within four (4) years following the approval of the
21 final plat.
- 22 (9) to complete the installation of the street name signs within two (2)
23 years following the approval of the final plat.
- 24 (10) to complete any other public or private improvement or facility
25 required by Chapter 26.23 (Development Standards) of the Land
26 Subdivision Ordinance in a timely manner which inadvertently may
27 have been omitted from the above list of required improvements.
- 28 (11) to complete the public and private improvements shown on the
29 preliminary plat.
- 30 (12) to retain ownership of or the right of entry to the outlots in order to
31 maintain the outlots and private improvements on a permanent
32 and continuous basis. However, the subdivider may be relieved
33 and discharged of this maintenance obligation upon creating, in
34 writing, a permanent and continuous association of property
35 owners who would be responsible for said permanent and
36 continuous maintenance. The subdivider shall not be relieved of
37 such maintenance obligation until the private improvements have
38 been satisfactorily installed and the documents creating the
39 association have been reviewed and approved by the City
40 Attorney and filed of record with the Register of Deeds.

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- (13) to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
- (14) to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- (15) to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- (16) to submit to the lot buyers and home builders a copy of the soil analysis.

4. The waiver to the design standard requiring on-site stormwater detention is hereby approved.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2006: _____ Mayor
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